

AMENDED IN SENATE APRIL 29, 2004

**SENATE BILL**

**No. 1607**

**Introduced by Senator Machado**

February 20, 2004

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An act to add Section ~~56426.1~~ 56375.6 to the Government Code, relating to local agency formation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1607, as amended, Machado. Local agency formation.

Existing law requires a local agency formation commission to develop, determine, and adopt a sphere of influence of each local government agency within the county.

This bill would prohibit the commission from approving or conditionally approving *change of organization, reorganization, or a change to the sphere of influence of a local government agency of territory that is part of the primary zone, as defined, of the Sacramento-San Joaquin Delta, if that local government agency provides or would provide facilities or services related to sewers, nonagricultural water, or streets and roads to the affected territory unless the commission determines, based on substantial evidence, that specified effects will not result.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section ~~56426.1~~ 56375.6 is added to the
- 2 Government Code, to read:
- 3 ~~56426.1.—~~

1 56375.6. (a) The commission shall not approve or  
2 conditionally approve *a change of organization, a reorganization,*  
3 *or a change to a sphere of influence of a local government agency*  
4 *of territory that is part of the primary zone, as defined in Section*  
5 *29728 of the Public Resources Code, of the Sacramento-San*  
6 *Joaquin Delta, if that local government agency provides or would*  
7 *provide facilities or services related to sewers, nonagricultural*  
8 *water, or streets and roads to the*~~territory~~*-affected territory, unless*  
9 *the commission determines based on substantial evidence in the*  
10 *record that the change of organization, reorganization, or change*  
11 *to the sphere of influence will not result in any of the following:*  
12 (1) *Wetland or riparian loss.*  
13 (2) *Degradation of water quality.*  
14 (3) *Increased nonpoint source pollution or soil erosion,*  
15 *including subsidence or sedimentation.*  
16 (4) *Degradation or reduction of Pacific Flyway habitat.*  
17 (5) *Reduced public access, provided that access does not*  
18 *infringe upon private property rights.*  
19 (6) *Increased public exposure to flood hazards.*  
20 (7) *Adverse impacts to agricultural lands or increased*  
21 *potential for vandalism, trespass, or the creation of public or*  
22 *private nuisances on private or public land.*  
23 (8) *Degradation or impairment of levee integrity.*  
24 (9) *Adverse impacts to navigation.*  
25 (10) *Increased requirements or restrictions upon agricultural*  
26 *practices in the primary zone.*  
27 (b) *Affected territory or territory annexed or added to a sphere*  
28 *of influence shall not be used for the purpose of avoiding,*  
29 *minimizing, rectifying, reducing, or compensating for one or more*  
30 *potentially adverse environmental impacts under the California*  
31 *Environmental Quality Act, (Division 13 (commencing with*  
32 *Section 21000) of the Public Resources Code).*  
33 (c) *Nothing in this section shall be construed to restrict the*  
34 *ability of a city or district to provide new or extended services by*  
35 *contract or agreement outside its jurisdictional boundaries*  
36 *pursuant to Section 56133.*

